

# Delegated decision report

## DECISION UNDER DELEGATED POWERS

**DECISION CANNOT BE TAKEN BEFORE WEDNESDAY, 22 AUGUST 2012**

Title	<b>DETERMINATION OF HOME TO EDUCATION TRANSPORT POLICY 2013</b>
Report of/to	<b>REPORT TO THE CABINET MEMBER FOR CHILDREN'S SERVICES</b>

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### PURPOSE

1. To approve the Home to Education Transport Policy 2013. The Policy has recently been subject to the annual review and has been amended to reflect the changes in primary school admission arrangements which were determined in May 2012. From September 2013, primary school admissions will be based on the distance each child lives from their nearest school, and not on priority areas, as they are currently. The Home to Education Transport Policy has therefore been amended to remove all reference to primary school priority areas, but this does not affect the entitlement criteria for free transport.

### OUTCOMES

2. The Policy provides parents and schools with clear guidance on the Council's statutory responsibilities in respect of Home to Education Transport for all pupils and students attending Island schools. The Policy also sets out any discretionary arrangements provided by the Council as well as informing parents of their right to appeal a decision not to award free transport.

### BACKGROUND

3. Local Authorities have a responsibility to provide Home to Education Transport for all pupils and students aged five to sixteen if the nearest suitable school is more than the statutory walking distance which is two miles for pupils aged up to seven and three miles for pupils aged eight and over.
4. Pupils with a statement of special educational needs (SEN) who have transport needs written into their statement of SEN, must be provided with free transport to and from school.
5. Authorities may also award transport to pupils who do not meet these criteria, on a discretionary basis. This Council conducted a series of consultations during 2011, following a review of the discretionary travel arrangements provided to island pupils and a revised Home to Education Transport Policy was approved in December 2011, for implementation from September 2012.

6. From September 2013, primary school admissions will no longer be based on priority (catchment) areas, but on the distance each child lives from their nearest school. The Home to Education Transport Policy 2013 has been amended to reflect this change.

## STRATEGIC CONTEXT

7. Raising educational achievement is a priority of the council as set out in the Council's Corporate Plan. Provision of Home to Education Transport ensures that all pupils and students are able to access their nearest school.

## CONSULTATION

8. The statutory guidance produced by the Department for Education requires local authorities to conduct a public consultation on any proposed changes to their home to education transport arrangements. The consultation must be carried out over 28 working days during term time.
9. Following the 2012 annual review of the policy, a consultation was published on the council's web-site from 21 May to 6 July. Head Teachers were also consulted through their regular group meetings.
10. The council received two comments on the proposed 2013 Policy; one which raised some issues relating to the provision of transport for pupils attending faith schools; and one which raised a number of queries relating to the wording of the policy. These comments have been taken into account and, where appropriate, incorporated into the 2013 policy. No change has been made to the arrangements for transport to faith schools which were approved by Cabinet in December 2011.

## FINANCIAL / BUDGET IMPLICATIONS

11. There are no financial implications arising from the revised policy. Home to Education Transport is a statutory responsibility and the minor changes to the policy will not have an impact on the budget provision for this duty.

## LEGAL IMPLICATIONS

12. The provision of Home to Education Transport is a statutory duty and the 2013 Policy complies with the statutory guidance published by the Department for Education.
13. If the council wish to amend the school transport policy then it is required to have regard to guidance issued by the secretary of State for education.
14. This decision does not seek to change the eligibility criteria or any other substantial part of the policy. The policy has been written to comply with both the councils statutory duties and in accordance with the guidance issued by the secretary of state for education.

## EQUALITY AND DIVERSITY

15. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

16. An initial EIA screening assessment has been carried out and this has demonstrated that a full assessment is not required because the changes made to the policy do not affect the eligibility criteria for free transport.

## OPTIONS

17. The Cabinet Member is presented with the following two options

Option 1 - To approve the Home to Education Transport Policy 2013 – (This ensures that the Council meets its statutory responsibility and that parents are aware of any transport implications when applying for school places in 2013.)

Option 2 - To require further changes to be made to the policy – (This would require a further period of consultation in the autumn term and parents would not have a clear view if any transport implications which might arise from their choice of school in 2013.)

## RISK MANAGEMENT

18. The proposed Home to Education Transport Policy 2013 meets the requirements of the Department for Education's statutory guidance.

## RECOMMENDATION

19. Option 1 - To approve the proposed Home to Education Transport Policy 2013

## APPENDICES ATTACHED

20. [APPENDIX 1](#) - Home to Education Transport Policy 2013
21. [APPENDIX 2](#) - Home to school travel and transport guidance
22. [APPENDIX 3](#) - Equality Impact Assessment

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STEVE BEYNON  
*Director of Schools and Learning*

COUNCILLOR DAWN COUSINS  
*Cabinet Member  
Education and Children's Services*

Decision

Signed

Date

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